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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TESLA, INC, a Delaware corporation,

Plaintiff,

v.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: 3:18-cv-00296-LRH-CBC

**STIPULATION AND [PROPOSED]  
MODIFICATION TO SCHEDULING  
ORDER**

**(SECOND REQUEST)**

1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and  
2 Defendant and Counter-Plaintiff Martin Tripp (“Tripp”) submit the following Stipulation and  
3 Proposed Modification to Scheduling Order. The parties respectfully submit that modification of  
4 the scheduling order is warranted to allow for the taking of remaining depositions on dates  
5 mutually convenient for the witnesses and counsel. In support of and as good cause for this  
6 stipulation, the parties state as follows:

- 7 (a) On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order  
8 (“Scheduling Order”) (ECF No. 31);
- 9 (b) On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal  
10 Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- 11 (c) On October 1, 2018, the Court held a case management conference, during which  
12 the Court noted that the Scheduling Order may need to be extended (ECF No. 42);
- 13 (d) During the discovery period, the parties have exchanged expert reports, requests  
14 for documents, interrogatories, and requests for admission as well as responses  
15 thereto;
- 16 (e) On December 5, 2018, the Court modified the Scheduling Order pursuant to  
17 stipulation of the parties (ECF No. 55);
- 18 (f) Although the parties have been working cooperatively to schedule depositions,  
19 finding dates to accommodate counsel and witnesses has been a challenge.  
20 Among other things, counsel for Tesla have been unable to locate and serve two  
21 third parties identified on Tripp’s witness disclosures. In addition, Tripp seeks to  
22 depose a Tesla representative on several matters pursuant to Rule 30(b)(6), which  
23 will require Tesla to designate three different individuals to be deposed. Tripp  
24 also seeks to depose multiple other current and former Tesla employees, one of  
25 whom is currently on a leave of absence and is not expected to return until shortly  
26 before the discovery cutoff;
- 27 (g) To allow for the taking of remaining depositions and completion of remaining  
28 discovery, the parties agree to extend the following deadlines: (i) the discovery

cutoff date; (ii) the deadline for dispositive motions; and (iii) the deadline for filing the pretrial order;

(h) This is the second request for modification of the Scheduling Order;

(i) The parties do not anticipate requesting further modification of the Scheduling Order; and

(j) This stipulation complies with Local Rule 26-4 in that it is filed not later than twenty-one (21) days before the subject deadlines.

For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling Order be modified as follows:

1. **Discovery Cutoff Date:** Discovery shall be extended approximately one-hundred-and-twenty (120) days to July 10, 2019. This is the deadline for completing discovery and means all discovery must be commenced in time to be completed by **July 10, 2019**.

2. **Dispositive Motions:** Dispositive motions may be filed no later than **August 9, 2019**, which is thirty (30) days after the discovery deadline. In the event that the discovery period is extended from the discovery cutoff date set forth herein, the date for filing dispositive motions shall be extended for the same duration, to be no later than thirty (30) days from the subsequent discovery cutoff date.

3. **Pretrial Order:** The pretrial order shall be filed by **September 6, 2019**, which is not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions or until further order of the Court. In the further event that the discovery period is extended from the discovery cutoff date set forth herein, the date for filing the joint pretrial order shall be extended in accordance with the period set forth in this paragraph. The disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any objections thereto, shall be included in the pretrial order.

4. All other deadlines remain as stated in the Discovery Plan and Scheduling Order previously entered by the Court (ECF Nos. 31 & 55).

1 Dated: February 6, 2019

**HUESTON HENNIGAN LLP**

2 /s/ Allison L. Libeu  
3 Allison L. Libeu  
4 *Attorneys for Plaintiff Tesla, Inc.*

5 Dated: February 6, 2019

**TIFFANY & BOSCO, P.A.**

6 /s/ William Fischbach  
7 William Fischbach  
8 *Attorneys for Defendant Martin Tripp*

9  
10 **ORDER**

11 IT IS SO ORDERED

12  
13 THE HON. CARLA BALDWIN CARRY  
14 UNITED STATES MAGISTRATE JUDGE

15  
16 DATED: \_\_\_\_\_